IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15670 of 1999

Between:

A.Balasubrahmanyam Reddy, S/o A.Narayana Reddy,
Residing at Door.No.345/16, Tata Naga, Opposite Tuda Office,,
Tirupathi Town, Chittoor District.

..... PETITIONER

AND

Tirupathi Municipality, Rep. by its Commissioner,
having its Office, Tirupati,
Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order, or direction more particularly one in the nature of the Writ of Mandamus to directing the respondent to provide alternative accomodation site to the petition either at Bye-Pass Road, or Near Railway Gate at Palani Theatre or Near Gangamma Gudi Temple in the event taking physical possession of petitioner's house-cum-office bearing Door.No.13-4-345/16 Tata Nagar, Tirupati Town, and consequently direct the respondent to consider the case of the petitioner and to provide alternative accommodation site either at Bye-Pass Road or Near Railway Gate at Palani Theatre, or Near Gangamma Gudi Temple, and to pass

Counsel for the Petitioner: MR.K.S.GOPALA KRISHNAN AND MR.T.C.KRISHNAN

Counsel for the Respondent: MR.K.BATHI REDDY

The Court made the following :

ORAL ORDER

The petitioner filed the present writ petition seeking a direction to the respondent to provide alternative accommodation site to him either at Bye-pass road or near Railway gate at Palani Theatre or Near Gangamma Gudi Temple in the event of taking physical possession of the petitioner's house-cum-office situated in bearing Door no.13-4-345/16 Tata Nagar, Tirupati Town.

Heard the learned counsel for the petitioner and the Standing Counsel for the respondent.

It is the contention of the petitioner in this writ petition is that the petitioner is the absolute owner of the house bearing Door No.13-4-345 with an extent of 666 square feet situated in Town Survey No.4048/2 TUDA Building Road in Tirupati. While so at the instance of the respondent-Municipality for providing approach road to Tirupati Municipal market with a width of 50' the Land Acquisition Officer, TUDA, Tirupati acquired the petitioner's house and shop. Further, it the contention of the petitioner is that still the physical possession of the petitioner's property is not yet taken by the concerned authorities. Being aggrieved, he made several representations to the municipality for providing alternative accommodation. But the respondent did not initiate any action on his representations for providing alternative accommodation, is the main grievance in this writ petition.

Having heard the learned counsel on both sides and on perusal of the material papers on record, the writ petition can be disposed of with a direction to the respondent to consider to provide an alternative accommodation to the petitioner, if the possession of the petitioner's house-cum-shop was taken, in accordance with rules and regulations.

With the above said direction, the writ petition is disposed of. In the circumstances there shall be no order as to costs.

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ELIPE DHARMA RAO,J

13TH JULY 2005

*TSNR

To

1. The Municipal Commissioner, Tirupati Municipality, Tirupati, Chittoor District.

2. Two C.D.Copies.